



**Liquor & Tobacco Advisory Board Agenda
Wednesday, February 17, 2021
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Staff:

Angela Hammer- City Attorney
Brooke Benoit- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Samantha Heim – Videographer
Jeremy Carter - Traffic Engineer

Others:

Kylie Bunke- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the LTAB, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on January 8, 2021. Since this is a public hearing with an unknown number of attendees, which would be more than 10 people, an in-person meeting at City Hall is not feasible at this time.

Scott Capovilla explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the Covid-19 pandemic and social distancing restrictions, this public hearing for the Liquor and Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City hall in Council Chambers and on the City's website.

As the host, he would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: Written public comments being submitted by 5:00 pm, on February 17, 2021 to Board Secretary Leisha Kury's email, or the City's payment drop box located at City Hall or coming to City hall to listen to the meeting and present any comments in Council Chambers. However, as of Friday, November 20, 2020, City Hall was closed to the public but recently opened back up on February 8, 2021 so all comments had to be submitted in writing.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Scott" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, February 22, 2021 at 5:30 PM in City Council

Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, March 1, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, March 16, 2021. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:02 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the January 20, 2021 meeting minutes. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

20-LTAB-084

Applicant
Ward 10

4846 East State Street

Jamal Abedrabbo / 815 Hookah City Corp. dba 815 Hookah Lounge
The sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District
Laid over from September, October, November, December and January

Mustafa Abdall, was present on behalf of the Applicant, Jamal Abedrabbo. Mr. Abdall is requesting a layover.

Scott Capovilla stated there is a pending ordinance regulating Hookah lounges that was read into City Council, sent to committee and will be going to City Council for approval. Mr. Capovilla stated they would like to have this ordinance in place before this application can move forward.

A **MOTION** was made by Craig Sockwell to **LAYOVER** the sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 7-0.

21-LTAB-001

Applicant
Ward 2

2207, 2211 Charles Street

Rami Qued Abdo Mana dba Rambo Gas Station Inc.
The sale of tobacco in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

Mustafa Abdall, was present, on behalf of the applicant, Rami Qued Abdo Mana. The subject property is located on the south side of Charles Street just east of 18th Street. It is surrounded by mostly commercial uses with residential uses to the north and west. Mr. Abdall stated he received the recommendation for approval from the City. They have been working on all the corrections and requirements that needs to be completed per the recommendation in order to move forward with the application.

Dan Roszkowski asked if he read all the conditions of approval and did he agree to the conditions. Mr. Abdall responded he did read the conditions and agrees. Dan Roszkowski asked if there are any changes he wants to make. Mr. Abdall responded he does not.

Mr. Abdall stated they will do all the requirements and will send it to Scott Capovilla. Mr. Abdall inquired what the next steps are. Dan Roszkowski responded the next steps would be that this application will go to the Code and Regulation Committee and be voted on.

Mr. Capovilla stated Mr. Abdall can submit his updated plans at any time so staff will have those on file. This way, when the item does come up before council, they will have everything in order and all the conditions will be met. Mr. Abdall responded he will email Scott Capovilla all the updated information.

Staff Recommendation is for Approval with ten (10) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of tobacco in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building, Fire and Tobacco codes.
2. Window display signage is limited to 20% of window area.
3. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
4. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
5. The windows shall not be covered with bars or other devices that block the windows.
6. Submittal of a revised site plan showing existing parking spaces and landscaping for staff's review and approval.
7. Submittal of a dumpster permit for staff's review and approval and Installation of the dumpster enclosure.
8. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
9. All outstanding general ordinance fines must be paid prior to issuance of the license.
10. All conditions must be met prior to issuance of tobacco license.

21-LTAB-002

Applicant
Ward 9

3005 North Rockton Avenue

Mathew Sabu dba Five Star Market Inc.

The sale of packaged liquor in conjunction with a grocery store and gas station and **the sale of tobacco products** in conjunction with a grocery store and gas station in a C-2, Limited Commercial Zoning District

Job Joseph was present on behalf of Five Star Market, Inc. The subject property is located on the northeast corner of the North Rockton Avenue and Overdene Avenue intersection. The parcel is mostly surrounded by residential uses with some commercial uses to the north. Mr. Joseph stated they have been taking over the business at 3005 North Rockton Avenue which is a gas station with a convenience store. Mr. Joseph stated they received the recommendation from the staff and are ready to comply with the recommendations.

Attorney Angela Hammer asked Mr. Joseph if he has read all fourteen (14) conditions in the staff recommendation. Mr. Joseph responded that he did. Attorney Hammer asked if he agreed to comply with all fourteen (14) conditions. Mr. Joseph responded he does. Attorney Hammer asked the applicant if he read the staff recommendation stating he is not eligible for video gaming. Mr. Joseph stated he will not apply for the video gaming.

Staff Recommendation is for Approval with fourteen (14) conditions. No Objectors or Interested parties were present. One email was read into the record.

Scott Capovilla stated he had an objector via email. The full email will be attach to the Code and Regulation committee agenda packet. The objector, Omar Reyes, stated, "In the time that I had lived in the property I have had bad experiences and witness bad things for our community trash all over neighbor's property lines (cans and beer bottles) along with strange people drinking and smoking in my property."

Mr. Joseph responded to the objector's comments and stated they will not allow any customers to consume liquor on the premises. They will try to avoid any misbehavior and make a serious commitment to security and work with the community.

Kim Johnsen asked the applicant about his business plan which states continue restaurant with same menu and current schedule. Kim Johnsen stated she was a bit confused because there is no current restaurant with this use. Mr. Joseph responded the existing building has a lease for a restaurant and that is the restaurant referred to in his business plan. The restaurant is not a part of this application.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor in conjunction with a grocery store and gas station and the sale of tobacco products in conjunction with a grocery store and gas station in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of a revised interior floor plan that indicates the location of the packaged liquor and tobacco products for Staff review and approval.
4. The hours of operation and days will be 5:00 A.M. to 12:00 A.M. (Midnight) Monday through Sunday.
5. Liquor sales hours should be limited to comply with the liquor code.
6. There shall be no single serving sales of beer or wine in volumes of 16 oz. or less.
7. The sale of rose tubes, airplane-sizes bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
8. That the windows shall not be covered with bars or other devices that block the window.
9. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
10. Window display signage is limited to 20% of window area.
11. The use and facility is prohibited from having video gaming terminals.
12. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
13. All outstanding general ordinance fines must be paid prior to the issuance of the license.
14. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 6:20 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals